

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

DAMIAN STINNIE, MELISSA
ADAMS, and ADRAINNE JOHNSON,
individually, and on behalf of all others
similarly situated; WILLIEST BANDY,
and BRIANNA MORGAN, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

v.

RICHARD D. HOLCOMB, in his official
capacity as the Commissioner of the
VIRGINIA DEPARTMENT OF MOTOR
VEHICLES,

Defendant.

Civ. No: 3:16-cv-00044

PROPOSED ORDER

This matter is before the Court on the Plaintiffs' Motion for a Preliminary Injunction. Based on the evidence presented by the parties, and based on the findings and conclusions set forth more fully in the accompanying memorandum of law entered contemporaneously herewith, the Court finds that Plaintiffs are likely to succeed in demonstrating that Section 46.2-395 of the Virginia Code, as written and as implemented by the Defendant, DMV Commissioner Richard D. Holcomb, violates the Due Process and Equal Protection Clauses of the United States Constitution. The Court further finds that the Plaintiffs and those similarly situated will suffer irreparable harm without the benefit of their licenses, that the balance of the equities weighs in favor of the Plaintiffs, and that granting the Plaintiffs' Motion is in the public interest.

Wherefore, it is **ORDERED** that Plaintiffs' Motion for Preliminary Injunction is
GRANTED.

IT IS FURTHER ORDERED as follows:

- (1) During the pendency of this action, the Commissioner is enjoined from enforcing Section 46.2-395 of the Virginia Code against Plaintiffs and the Future Suspended Class Members unless and until Defendant or another entity determines, through a hearing with adequate notice thereof, that their failure to pay was willful (*i.e.*, not excusable because of inability to pay or some other reason);
- (2) The Commissioner shall remove any current suspensions of the Plaintiffs' driver's licenses imposed under Section 46.2-395 of the Virginia Code; and
- (3) The Commissioner is enjoined from charging a fee to reinstate the Plaintiffs' driver's licenses if there are no other restrictions on their licenses.

ENTERED this ____ day of _____, 2018.

BY THE COURT:

NORMAN K. MOON
UNITED STATES DISTRICT COURT JUDGE

WE ASK FOR THIS:

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By: 

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2018, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/Angela A. Ciolfi